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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,383	05/26/2005	Martin Rahe	UC 207-KFM	4932
10/37 7590 07/23/2008 MILDE & HOFFBERG, LLP 10 BANK STREET SUITE 460 WHITE PLAINS, NY 10606				
EXAMINER				
HELM, CARALYNNE E				
ART UNIT		PAPER NUMBER		
1615				
MAIL DATE		DELIVERY MODE		
07/23/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10530383	5/26/2005	RAHE ET AL.	UC 207-KFM

MILDE & HOFFBERG, LLP  
10 BANK STREET  
SUITE 460  
WHITE PLAINS, NY 10606

## EXAMINER

CARALYNNE HELM

ART UNIT	PAPER
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1615 20080720

DATE MAILED:

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## Commissioner for Patents

The timely submission under 37 CFR 1.129(a) filed on March 27, 2008 is not fully responsive to the prior Office action because applicant canceled the claims drawn to the key features of the elected species. The elected species was delineated as being a device with a germicide and a shape memory polymer carrier that dissolves. Applicant canceled all claims drawn to shape memory polymers within the device, which in essence cancels the elected species.

Since the submission appears to be a *bona fide* attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a). If a notice of appeal and the fee set forth in 37 CFR 1.17(e) were filed prior to or with the payment of the fee set forth in 37 CFR 1.17(r), the payment of the fee set forth in 37 CFR 1.17(r) by applicant is construed as a request to dismiss the appeal and to continue prosecution under 37 CFR 1.129(a). The appeal stands dismissed.

/Caralynne Helm/  
Examiner, Art Unit 1615

/MP WOODWARD/  
Supervisory Patent Examiner, Art Unit 1615